Written testimony of Daniel Daughtry-Weiss in support of virtual court access in Maryland

The following is my reflection on a bail hearing observation in the summer of 2021. It provides examples of the kind of improper pre-trial incarceration described in my oral testimony in support of virtual access to court hearings in Maryland. I argue that virtual access is critical in order for the public to be able to hold courts accountable to the people.

June 2, 2021

Most of us expect that denial of freedom without trial should be reserved for cases of clear physical danger--which means having strong evidence that the person not only has caused serious physical harm, but there is also some indication she/he would do so again before trial. Those ordered held in the PG County Jail without bond or trial today include: a mental health professional with a two-year-old child and no prior convictions; a student and father of an 18-month old injured by a knife *admittedly pulled by the complaining witness* who was charged with 2nd degree misdemeanor assault (no injury caused or weapon used); a 15-year employee of the Pentagon and a father of eight who claimed HIS was the emergency 911 call and whose complaining witness declined medical attention; a self-employed, married graphic designer and father of three children who was confronted by a neighbor at his home about a dispute between their children; and a 55-year old "kind hearted son" with no pior arrests accused of violating a temporary protective order with no violence. There was no history of domestic abuse or prior violence presented with any of these cases. Ostensibly protecting our community, Judge Carrington chose assured harm to individuals AND community through immediate and ongoing incarceration.

Others ordered back to cages until trial today have diagnosed or suspected serious mental disabilities. One is legally disabled, is in treatment, and has good community support. This critical mental health treatment support will be lost in prison. The other, charged with a misdemeanor violation of protective order, was suspected *by the complaining witness* of having schizophrenia --"of needing help, not jail." This person was found to have had two unrelated violation of protective orders [convictions? or pending?], but did not consent to referral for mental health court. He was initially held lacking ability to post $100 for bond, but Judge Carrinton ordered him held without bond. In cases like this, we must conclude the judge is using pre-trial incarceration as (unfair and misguided) coersion and punishment—not as a last resort for safety of the community.

In NO case today, did Judge Carrington even give an OPTION for pre-trial release and community confinement with GPS monitoring. Twice, in response to pleas from public defenders to consider pre-trial release, the judge pointedly retorted, "ALREADY considered and denied." The prior history of individuals, lack of evidence/culpability, presence of community support, jobs, character witness, lost income/child support, and perspective of alleged victims were all apparently not important.

These cases SHOULD be adjudicated--they all involve serious charges that demand investigation and a hearing. None of them involved a clear and present danger to the community based on the

evidence we heard today. And yet we pay for the incarceration and incapacitation of these individuals and forgo their contributions to society without trial.